

Appl. No. 09/599,624

Atty. Docket No. 8135&

Amdt. dated June 22, 2005

Reply to Office Action of December 22, 2004

Customer No. 27752

AMENDMENTS TO THE CLAIMS

This listing of claims will replace all prior versions, and listings, of claims in the application:

1. Canceled
2. (currently amended) A topical composition according to Claim 15, wherein the polyvalent metal salt of pyrithione is selected from the group consisting of magnesium pyrithione, barium pyrithione, bismuth pyrithione, strontium pyrithione, copper pyrithione, zinc pyrithione, cadmium pyrithione, zirconium pyrithione and mixtures thereof.
3. (original) A topical composition according to Claim 2, wherein the polyvalent metal salt of pyrithione is selected from the group consisting of zinc pyrithione, copper pyrithione, and mixtures thereof.
4. (original) A topical composition according to Claim 3, wherein the polyvalent metal salt of pyrithione is zinc pyrithione.
5. (original) A topical composition according to Claim 4, wherein the composition comprises from about 0.1% to about 2%, by weight of the composition, of the zinc pyrithione.
6. (currently amended) A topical composition according to Claim 15, wherein the metal ion source is selected from the group consisting of zinc acetate, zinc oxide, zinc carbonate, zinc hydroxide, zinc chloride, zinc sulfate, zinc citrate, zinc fluoride, zinc iodide, zinc lactate, zinc oleate, zinc oxalate, zinc phosphate, zinc propionate, zinc salicylate, zinc selenate, zinc silicate, zinc stearate, zinc sulfide, zinc tannate, zinc tartrate, zinc valerate, zinc gluconate, zinc undecylate, copper disodium citrate, copper triethanolamine, copper carbonate, cuprous ammonium carbonate, cupric hydroxide, copper chloride, cupric chloride, copper ethylenediamine complex, copper oxychloride, copper oxychloride sulfate, cuprous oxide, copper thiocyanate, colloidal silver, silver

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bromide, silver chloride, silver citrate, silver iodide, silver lactate, silver nitrate, silver oxide, silver picrate, and mixtures thereof.

7. (currently amended) A topical composition according to Claim 15, wherein the metal ion source is selected from the group consisting of zinc salts, copper salts and mixtures thereof.

8. (original) A topical composition according to Claim 7, wherein the metal ion source is selected from the group consisting of soluble zinc salts, soluble copper salts, and mixtures thereof.

9. (original) A topical composition according to Claim 8, wherein the metal ion source is selected from copper sulfate, zinc sulfate, and mixtures thereof.

10. (previously presented) A topical composition according to Claim 7, wherein the composition comprises from greater than about 1% to about 2%, by weight of the composition, of the metal ion source.

11. (currently amended) A topical composition according to Claim 15 wherein at least 99.99% of the anti-microbial active is insoluble in the composition.

12. (currently amended) A topical composition according to Claim 15, wherein 100% of the anti-microbial active is insoluble in the composition.

13. (currently amended) A topical composition according to Claim 15, wherein less than 50% of the polyvalent metal salt disassociates into free pyrrithione ion in the composition.

14. (original) A topical composition according to Claim 13, wherein less than 5% of the polyvalent metal salt disassociates into free pyrrithione ion in the composition.

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15. (previously presented) A topical composition for treating microbes, in order to inhibit or prevent the growth on the skin or scalp of said microbes, comprising:

- a) from about 0.001% to about 10%, by weight of the composition, of an anti-microbial active selected from the group consisting of polyvalent metal salts of pyrithione;
- b) from about 0.001% to about 10%, by weight of the composition, of a metal ion source selected from group consisting of zinc salts, copper salts, silver salts, nickel salts, cadmium salts, mercury salts, bismuth salts, and mixtures thereof; and
- c) a topical carrier for the anti-microbial active and the metal salt;

wherein the weight ratio of the metal source to the anti-microbial active is from about 5:100 to about 5:1 and wherein at least 50% of the anti-microbial active is insoluble in the composition and further wherein the composition comprises at least a 5 to 1 ratio of polyvalent metal salt of pyrithione to a strong chelating agent wherein the strong chelating agent is selected from the group consisting of di- or polyamines, diethylene triamine penta-acetic acid, tetraethylene triamine, ethylene diamine, diethylene triamine or salts thereof or mixtures thereof.

16. (currently amended) A topical composition according to Claim 15, wherein the ~~composition is free of a strong chelating agent~~ strong chealtor is ethylene diamine tetra-acetic acid or triethanolamine.

17. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises from about 7% to about 30%, by weight of the composition, of a deterative surfactant selected from the group consisting of anionic surfactants, amphoteric surfactants, zwitterionic surfactants, and mixtures thereof.

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18. (original) A topical composition according to Claim 17 wherein the deterative surfactant is an anionic surfactant.

19. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises a conditioning agent.

20. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises a cationic styling polymer and a cationic deposition polymer.

21. (currently amended) A topical composition according to Claim 15, wherein the composition is a hair styling shampoo and wherein the composition further comprises a cationic spreading agent.

22. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises a polyalkylenc glycol.

23. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises an additional anti-microbial active selected from the group consisting of ketaconazole, intraconazole, coal tar, selenium sulfide, and mixtures thereof.

24. (currently amended) A topical composition according to Claim 15, wherein the composition further comprises a hair growth active.

25. (original) A topical composition according to Claim 19, wherein the conditioning agent is selected from the group consisting of cationic polymers, polyolefins, hydrocarbon oils, silicone gums, silicone oils, and mixtures thereof.

Claims 26 through 63 are canceled.

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64. (new) A topical composition according to Claim 16, wherein the ethylene diamine tetra-acetic acid or the triethanolamine is present in an amount of from 0.1 to 0.3 weight percent based on the weight of the topical composition.